

FILES THIS WEEK

J. A. Cunningham's Response in Beck Case.

DISPUTED STOCK IS HIS

CLAIMS HE MADE A BONA FIDE PURCHASE.

Entered Into No Secret Agreement With Beck to Defraud the Latter's Creditors as Set Up in the Petition of E. W. Wilson, Trustee—Story of the Suit.

J. A. Cunningham yesterday filed in the district court a separate answer in the case of E. W. Wilson, trustee in bankruptcy of the estate of John Beck, vs. J. A. Cunningham, Josiah Barnett et al.

The answer prays for a judgment and decree of the court to the effect that he is the owner of the mining stock in dispute and holds the same as bona fide purchaser of the same from the estate of John Beck, and that the court decree that an accounting be taken of all the sums of money paid by him at the time of the purchase of the equity of John Beck in the stock, as well as all sums paid by defendant in discharging the liens on it; that the total amount of such payment, with interest, may constitute a lien in favor of the defendant, and that he be decreed to hold the stock as security for the payment of the amount of such lien; and that the trustee in bankruptcy be decreed to pay and discharge the said lien, and in default of such payment, that the stock in question be sold under the direction of the court.

Allegations Denied.

Mr. Cunningham denies that he accepted the proposition of Beck that he would advance any sum or protect the stock under the purported trust agreement, or hold the same as security for the stock, or subject to the redemption by Beck on payment of any sum advanced by him or the sum of \$10,000 as a bonus to this defendant. The answer further denies that he executed a bill of sale of the stock was entered into by John Beck and defendant, with the purpose of hindering or defrauding the creditors of Beck, or that it was held in secret or other trust, subject to redemption in pursuance of said agreement.

On the other hand, Cunningham asserts that he did, at or about the time set forth in the complaint, purchase absolutely 51,000 shares of Bullion-Beck & Champion Mining company stock, and since that date he has been absolute owner of it, free from claims of John Beck or his creditors. Defendant denies the assertion that at the time of purchase of said stock, that the 51,000 shares are worth the sum of \$306,000, or any sum exceeding \$125 per share.

Cunningham states that dividends to the amount of \$5,500 have been paid upon the said Bullion-Beck & Champion Mining stock since the making of the said trust agreement; that of this amount \$10,000 had been paid thereon prior to the purchase of said stock by defendant, and that three dividends (\$15,000) have been paid to him since the discharge by him of all liens upon said stock, and the total amount received by Josiah Barnett, during the existence of the trust agreement and applicable to the payment of said dividends, was \$24,000. The defendant Cunningham further asserts that the whole indebtedness on the contested stock has been fully paid to the trustee.

History of Transaction.

Coming down to a history of the transaction, the answer furnishes a statement to the effect that on the 11th day of May, 1898, he purchased of John Beck all his right to 51,000 shares of the capital stock of the Bullion-Beck & Champion Mining company for \$24,000, payment being made at time of purchase. The stock was then subject to the trust agreement set forth in the complaint and the possession of Josiah Barnett, trustee. That at the time of the purchase the stock was held by Barnett as security for the performance of the terms of the trust agreement, amounting at that time, all told, to \$297,250.20, and that the total aggregate indebtedness accruing upon the indebtedness was more than \$2,000 per month.

The defendant alleges that \$24,000 was realized by the trustee during the continuance of the trust agreement; that he advanced the sum of \$15,175.18, being the balance remaining due upon a lien upon the stock; that the final payment was made by defendant on Aug. 16, 1899, whereupon Trustee Barnett handed over the stock to defendant, free of all incumbrances.

TITLE NOW QUIETED.

End of Brigham Young Graveyard Litigation.

After considerable litigation, the title to the strip of land upon First street, wherein the mortal remains of Brigham Young, the late president of the Mormon church, repose, is quieted. Judge Hiles yesterday entered a decree and decree to be entered as prayed for by the plaintiffs, in the case of the Brigham Young Trust company vs. Elizabeth Ellsworth et al., which was as follows:

First—That the defendants may be required to set forth the nature of their claims, and that all adverse claims of the defendants be determined by the decree of this court.

Second—That by such decree it be adjudged and decreed that the defendants have no interest whatever in said premises.

Third—That defendants be forever enjoined and debarred from asserting any claim upon the property.

When the case was called in Judge Hiles' court yesterday morning, none of the forty odd defendants were present, accordingly default was entered on the record.

DR. W. F. BEER SUED.

Lumber Men Seek to Recover \$726.60.

The Parker Lumber company yesterday sued to recover the sum of \$726.60 from Dr. William F. Beer et al. for building material used, together with attorney's fees and incidental expenses for preparing and filing notice of lien. The complaint sets forth that the building materials were furnished last summer to one of the defendants, William Crabbe, for the purpose of erecting a residence on B street, for which the defendant agreed to pay plaintiff \$250.00 as soon as payments were made to Crabbe.

It is claimed no part of the above sum has been paid except the sum of \$25.00, whereupon the plaintiff prays that the judgment be declared as a mechanic's lien upon the property of the defendant William F. Beer, and that it be foreclosed and sold in accordance with the practice of the court.

MAY BORROW MONEY.

Receiver Bruback Wants to Keep Up Insurance. Judge Hiles yesterday issued a writ-

ten order and decree in the case of John R. Foulkes vs. New Mammoth Gold Mining company, empowering Theodore Bruback, receiver of the company, to borrow an amount of money not exceeding the sum of \$25,000, for the purpose of paying the premium on \$14,000 of insurance now in force upon the property of the New Mammoth Gold Mining company, the sum borrowed to be a first lien on all the property of defendant.

TO QUIET TITLE.

Conflict Over Julia Dean and Brink Lodes.

William D. Clays yesterday entered suit in the district court against Isaac Morris, W. L. Pickard et al. to determine a conflict in claims of the Julia Dean lode mining claims, owned by plaintiff, and the Brink lode mining claim which overlaps the former. According to a survey made last May, both claims being situated in the West Mountain mining district, Salt Lake county. Plaintiff claims that defendant has no title or right of possession of said claims, and prays for the sum of \$1,000 damages also \$250 expended in support of their claim, and that defendant be restrained from extracting any ore from the area in dispute.

WILSON IS STILL A BACHELOR

THE MINING MAN'S FRIENDS THOUGHT HE WAS MARRIED.

Says He Has Received Many Letters of Congratulation, and He's Tired of It.

There is one mining man in Salt Lake who objects to marriage, and that is F. E. Wilson. He is a bachelor, and has been one for several long years. He wants to continue to be one, and wouldn't get married if he had a chance, but most of all he dislikes to be accused of having taken unto himself a wife. Several weeks ago another Salt Lake worker with exactly the same name went to the county clerk's office, procured a marriage license and was married.

Since that time F. E. Wilson, the mining man, has received a number of letters of congratulation, besides a number of telegrams from friends, who hastened to extend their best wishes. He has had lots of trouble to convince them that he is not the man who was married, but some other fellow with his name.

He rather enjoyed the coincidence as a practical joke for awhile, but now he says it's getting monotonous. It has cost him considerable money in "treats" and he is tired of it. He doesn't object to the name, but he doesn't want to get the name. Mr. Wilson wishes to get the name, but he is still a single man; that it is another F. E. Wilson that departed from "single blessedness."

RUSH AT THE POSTOFFICE

PEOPLE STOOD IN LONG LINES ALL WEEK.

Biggest Business in the History of the Local Office This Christmas.

HOTEL ARRIVALS.

Kenyon—J. C. Jones, W. H. McChesney, J. H. Green, Houston, Ida, J. Watts, Mercer, E. P. Bacon, Logan, J. W. Highwayman, a part of a delivery wagon load of packages last night. He hasn't been caught yet. Maybe his own little ones crowded in spite of their unexpected presents last night.

Henry Taylor, who drives a wagon for the Lacey House, started out last evening with a good many bundles in his wagon. He was going to make a good many homes happy, but he fell into trouble. After stopping at a mail-depot on Victoria alley he drove around to the Miller Hotel where he left more packages. Then he went across the street to The Halls with

several more packages and went up stairs.

"When I came down the horse and team was gone. It had disappeared completely and I saw no trace of it. A groceryman said he didn't see it go. I went down to Kimball Brothers' and got a saddle horse and rushed on down looking for the team. I found the horse hitched with the weight. There was nothing to be seen of the packages."

Such is Taylor's story. He was brought to the police station, where he was much excited. Though some of the parts of his tale do not hit very well there is no reason to believe that he had anything to do with the disappearance of the goods. He was released.

Rev. Joel A. Smith, pastor of the 11th M. E. church, took his first ride yesterday. He rode in a street car, and hereafter he will keep inside as the safer place to ride. Mr. Smith's experience yesterday resulted in so much that he will be confined to his room until long after Christmas.

He came down town on the 12:30 car from East First South street. When he reached the street an ice wagon was quickly turned and drove across the track in front of the approaching car. Although the song was sounded the driver paid no heed, and the distance was so short that the motorist could not stop.

Seeing a collision inevitable, Mr. Smith endeavored to seek safety in retreat to the inside, but the car was locked. To jump off meant probably a worse fate for him, so Mr. Smith braced himself to receive his portion of the impact. It was a stunner, sure, but he didn't get hurt. The piano brushed aside the reverend gentleman was borne away in a semi-conscious condition and later conveyed to his home at 76 East First South street. No one else on the car was as seriously hurt.

Aside from the nerve shock Mr. Smith received, his injuries consist of a badly wrenched neck and a painful bruised side. Last evening his heart action was a source of complaint. From the time that Mr. Smith is an old medical student he alone should know what should be done to alleviate his sufferings. His place in the pulpit this morning and the balance of the week will be filled by French Earl Oliver.

ASSESSOR BARNEY QUINN GETS INFERNAL MACHINE

Only a gracious Providence and a mug of Budweiser prevented the city and county building from being blown to some other planet yesterday afternoon by the explosion of a devilish infernal machine. The momentous and almost calamitous incident centered in County Assessor Quinn's inner office.

All the boys, except Bert Garbis, came over from the treasurer's office to view the "Little Brown Jug" in cut glass, which the assessor had just received from the explosion, and they were the other evidences of Christmas cheer exchanged. As a matter of course, the little southwest corner room was pretty well crowded.

When the little group of distinguished persons had seen about all that was worth admiring, Dr. Held suggested that the fortunate host had not opened "that express package yet."

"That's so," replied Barney; and, suiting the action to the word, proceeded to rip off the paper cover and behold the lid of the innocent-looking box.

Fire flashed simultaneously with the grating sound of sand paper over matches, and the dozen pairs of eager eyes had seen enough.

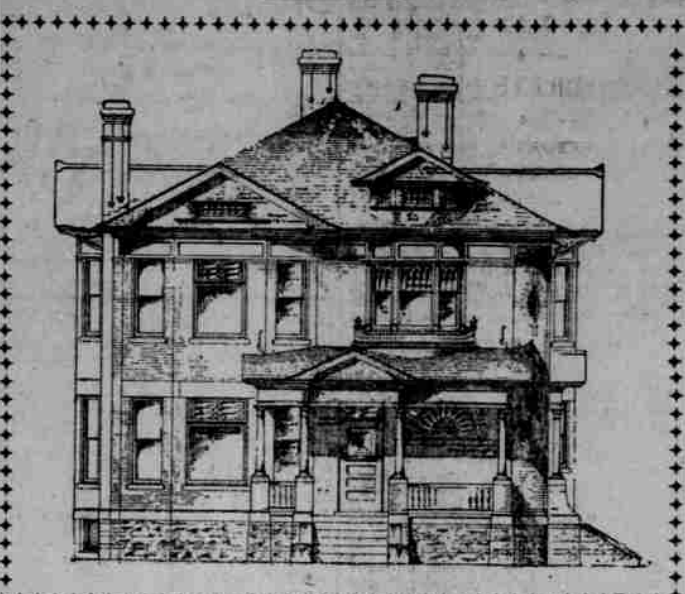
HEARD AND SEEN IN TIMMONY'S COURT

S. H. Lofkin had a hearing before Judge Timmony yesterday forenoon on the charge of grand larceny in attempting to "roll" a drunken man in a Second South street saloon. He was bound over in the sum of \$300 to await the action of the district court.

Robert Allen had just got drunk. It wasn't exactly a habit, he said, and he never was pulled before. The court, therefore, discharged him.

Charles Sanderson said he's been on a "terrible bad drunk" and begged the court's pardon several times over. But

COUNCILMAN-ELECT HELD UP BY LITTLE ONES HAPPY THE BISHOP OF HONGKONG



The accompanying cut is of the new home of Councilman-elect Franklin J. Hewlett, on the corner of Seventh and Second East streets. This substantial residence is of stone and pressed brick. It has ten rooms with all the modern conveniences, and cost \$50,000. The architect is J. M. Dart and the contractors Jenkins & Roberts. The home is just finished and Mr. Hewlett and family will celebrate New Year's day in it.

F. H. BAKER TAKES IN EIGHT MILES OF WATER

Probably the "farthest reaching" appropriation of a water right ever filed in this state for power plant purposes was made a matter of record yesterday in the office of the county recorder. According to the notice, dated Dec. 5, F. H. Baker, the locator, has appropriated for beneficial and industrial uses all the waters flowing down Little Cottonwood canyon from a point about half a mile above the Wamath summer resort hotel to the headwaters beyond Alta, a distance of more than eight miles.

It is stated in the locator's notice of appropriation that he claims the entire flow of water in the Little Cottonwood canyon, and his intention will be to construct dams, pipe lines, etc., to divert the water as he may need it to pass over wheels which will generate electric power for mining, manufacturing and other industrial purposes. The appropriation is made under authority of section 1261 of the revised statutes of Utah, and the locator is bound thereby not to diminish the natural flow in quantity nor deteriorate it in quality. The locator gives notice that it is his intention to respect vested rights, but to claim adversely to all other rights in the flow of Little Cottonwood creek.

Mr. Baker's name does not appear in the city directory, but it is said he is a resident of Sandy, who has been watching the opportunity to "jump" the power plant location rights of one Frank K. Gillespie, whose appropriation was acquired by a local corporation three or four years ago, and later absorbed by the United Light & Power company. Mr. Baker's claim is based on the allegation that the original locator's rights were forfeited by failing to complete, within the time allowed by law, their projected works, although considerable money was expended in constructing a flume.

The affidavits accompanying the location notice were verified before A. C. Sadler and W. W. Wilson, notaries public.

BOLD HIGHWAY ROBBER STEALS CHRISTMAS THINGS

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Seeing a collision inevitable, Mr. Smith endeavored to seek safety in retreat to the inside, but the car was locked. To jump off meant probably a worse fate for him, so Mr. Smith braced himself to receive his portion of the impact. It was a stunner, sure, but he didn't get hurt. The piano brushed aside the reverend gentleman was borne away in a semi-conscious condition and later conveyed to his home at 76 East First South street. No one else on the car was as seriously hurt.

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THE BISHOP OF HONGKONG

Had Many Celebrations During Last Night.

MORE FOR THE FUTURE

WILL BE SCATTERED THROUGH THE WEEK

Several of the Churches Arranged Festivities For Their Sunday Schools Last Night, While Others Will Postpone Their Affairs For a Day or Two Yet.

Christmas, the day of all days in the Christian churches, is being observed more generally in Salt Lake than usual this year, and there will be few little folks who will not have seen Santa Claus and the Christmas tree, and heard the "old, old story" before the festivities close. Because of Christmas coming on Monday these festivities are more scattered in time than ever. In some instances they began last evening; in many instances they continue till Tuesday night next.

At the Churches.

The Christmas exercises at the Second M. E. church were unusually successful. The church was never more beautifully decorated; programme of songs, duets, recitations and music by members of the Sunday school gave pleasure to all. The evening closed with Santa Claus distributing the presents from the tree, and there were presents for all. There were additional Christmas exercises on Monday morning, beginning at 11 o'clock. The Christmas exercises at the First Presbyterian church last evening attracted a large crowd, and the programme by the little people proved one of unusual merit. There were chorals, tableaux and a drama, "Christmas Eve on Mother Hubbard's," that aroused much enthusiasm. Dr. Peterson will be morning song to "The Mother Love and the Christ Love," the discourse being illustrated with some fine pictures of the Madonna.

The First Congregational church had its most enjoyable Christmas celebration last evening, with an appropriate programme. The church was decorated with Christmas trees and lights, and the programme was a most successful one. The church was decorated with Christmas trees and lights, and the programme was a most successful one.

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South Africa's Prince of Fakirs Is Better Known Than Cecil Rhodes Himself—The Bishop Passes Cheerfully From Crime to Crime—Murder With Seidlitz Powders.

(Copyright, 1899, by Allen Sangree.) I first met the bishop of Hongkong in the beach hotel at Beira, Portuguese East Africa, where he seemed to be concerned chiefly in providing himself a good Christmas dinner. In a country where bread costs 1 shilling per loaf, fried chicken is sweeter to the human being than much gold.

For a month provisions had been very low, and the bishop of the school from Madagascar was awaited with keen impatience. The beach hotel had a great advantage over the Royal in that the proprietor with several experienced Portuguese sailors scanned the horizon daily. Early Christmas morning their vigilance was rewarded by a dot of white on the horizon, which proved to be a felucca, laden with vegetables and chicken. Boarding it outside the bay, our host was able to buy up all the poultry the transaction being watched in breathless suspense by 100 guests from the shore. When the news spread that beach hotel would have a chicken dinner, men shook hands with one another and treated to drinks. A group of the more experienced had collected to discuss some fair method by which the chickens could be distributed fairly, and made to go as far as possible.

In these arrangements the bishop of Hongkong was active. Similar crises, he explained, had been managed by a system of pool drawings, and this method was finally adopted. It was agreed that each regular guest and every outsider who paid a regular sign into the hotel catalogue should be entitled to draw a number, the chicken to be dealt out impartially as it came along, and not by giving the white man a "blondie" and the dark to "brunettes," as had been first proposed.

In the seclusion of the billiard room the bishop and two other regulars were looking men made a hat of slips. You put your hand through a hole in the board partition and grabbed one. In a short time a disturbance arose between two men who had the same number, and before they could be separated both were so badly bruised as to have little appetite for dinner. Two other guests, however, tried to have numbers identical, and fraud was openly charged. The bishop of Hongkong, however, smoothed things over by giving each of the two a new drawing. It was significant that they all got numbers much higher than before, and it was then that the transcendent genius of the bishop evinced itself. Greek suspicion never stirred in him, he had eaten his third dinner and there was some demand to know whether the disputed numbers had been raffled off again. The bishop, however, refused to have numbers identical, and fraud was openly charged. 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